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9 Attorneys for Plaintiff
Balanced Body, Inc.

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

16 BALANCED BODY, INC., a California
Corporation,

Case No. 08-cv-02059-MMC

**NOTICE OF DISMISSAL WITH
PREJUDICE**

18 Plaintiff;

19

20 PEAK BODY SYSTEMS, INC.,
a Colorado Corporation,

22 || Defendant.

23 Plaintiff, Balanced Body, Inc. ("Balanced Body"), has not served a summons and
24 complaint on Defendant, Peak Body Systems, Inc. ("Defendant") for the reason that the dispute
25 has been resolved to the Parties' mutual satisfaction per agreement. Therefore, Defendant has not
26 served on the Plaintiff an answer or a motion for summary judgment in this action.

1 Therefore, pursuant to Fed. R. Civ. P. 41(a)(1)(i), Plaintiff, as evidenced by the signature
2 of its counsel below, hereby dismisses with prejudice all claims asserted in this action; however,
3 in the event that the agreement resolving this matter is materially breached, this notice shall be
4 deemed to be without prejudice, and Plaintiff shall not be barred from asserting the claims
5 asserted in this action.
6

7 Respectfully submitted this 4th day of August, 2008.

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9 _____
10 /s/ Daniel T. McCloskey _____
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27 **Balanced Body, Inc.**
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